IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 299 OF 2005

SHRI. MOHAN V. GAONKAR ....Petitioner

Versus

STATE OF GOA THROUGH CHIEF SECRETARY AND 4 ORS ....Respondents

Shri. D.P. Bhise, Advocate for the Petitioner.
Shri S..S. Kantak, Advocate General with With Mr. S. Vahidulla, Addl. Govt. Advocate For R. 1 And 3.
Shri J.P. Mulgaonkar, Advocate for the Respondents No.4 and 5.

Coram:- D. D. SINHA &
N. A. BRITTO, JJ.

Date:- 28th November, 2005

P.C.:

Heard Shri D. Bhise, learned Advocate for the Petitioner.

The Writ Petition is directed against the impugned Order dated 23rd January, 2003 whereby the amount of Rs.2000/- per month was directed to be withheld from the account of the petitioner after crediting the pension and remitting the same to the disputant Bank to be adjusted towards the loan account of Shri Devendra C. Polaji till the loan account stands closed with them. The counsel for the petitioner has placed before us the communication of the Order dated 22.09.2005 which reads thus :-

" You are hereby directed to stop the deduction of Rs.2,000/- which were ordered to withhold and remit to the Mapusa Urban Co-Op. Bank of Goa Ltd., Mapusa after crediting the pension amount to the account of Mr. Mohan Vishnu Gaonkar, towards the loan account of Mr. Devendra C. Polaji, with immediate effect. "

The learned counsel for the petitioner states that in view of the above referred Order, so far as prayer clause (b) is concerned, at this stage it does not survive and seeks permission to withdraw the present Writ Petition. The learned counsel further prayed that so far as prayer clause (a) is concerned, the issue may be kept open with liberty to the petitioner to make appropriate application/representation in this regard. It is prayed that if the Order passed is adverse to the petitioner, liberty be given to the petitioner to challenge the same before the proper forum.

In the backdrop of the above referred facts, Writ Petition is permitted to be withrawn with liberty to the petitioner to make appropriate application before the concerned authority. The issue pertaining to prayer clause (a) is kept open.

D. D. SINHA, J.

N. A. BRITTO, J.

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